IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11975 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAHYABHAI MAGANBHAI PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 11975 of 2002

MR PRADEEP PATEL for Petitioner No. 1

MR DN PATEL for Respondent No. 1

..... for Respondent No. 2

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 21/12/2002

ORAL JUDGEMENT

Rule. Mr.N.J.Shah for Mr.D.N.Patel for

respondent No.1 waives service of rule. With the consent of parties matter is taken up for final hearing today.

2. The contention raised by the petitioner is that the passport is already issued. However, the birth-date initially in the passport is recorded as 20.9.1941 whereas the correct birth-date is 26.7.1941. The petitioner submits that an application is made to the Passport Officer, however, the authorities have declined to consider the same in the absence of any order passed by this court.

3. On behalf of Passport authorities it has been submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this court directs the passport authorities, they will consider the matter.

4. Mr.Patel for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the passport already issued or to issue fresh passport.

5. In view of the above, the respondent No.1 is directed to consider the case of the petitioner for change in birth-date from 20.9.1941 to 26.7.1941 on the basis of birth certificate issued by Mamalatdar, Borsad, Tal.Borsad in the passport of the petitioner bearing No.R-831536 and to pass appropriate orders in accordance with law. The respondent authorities shall take decision within a period of four weeks from the date of receipt of writ of this court. However, the petitioner shall pay costs of Rs.2,500/- to the respondent authorities since the passport authorities can not be saddled with the costs of litigation. Petition is allowed accordingly. Rule is made absolute.

Direct service is permitted.

21.12.2002 (Jayant Patel, J.)